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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined twenty-first to twenty-third periodic reports of Argentina

Addendum

Information received from Argentina on follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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Paragraph 15: In the light of its previous recommendation (see CERD/C/ARG/CO/19-20, para. 16), the Committee urges the State party to step up its efforts to name an ombudsman through a selection and appointment process that is transparent and participatory and in which the guiding principles are merit, ability and integrity; it likewise calls on the State party to appoint an ombudsman for audiovisual communication services.

Background

1. The Office of the Ombudsman of the Nation is a national institution which operates with full independence and autonomy. Its mandate is to defend and protect the rights, guarantees and interests protected by the Constitution and the law with regard to any acts or omissions on the part of the authorities and to oversee the functions of public bodies.

2. The Office is established under the authority of the Congress of the Nation and its jurisdiction stems from articles 86 and 43 of the Constitution and Act No. 24,284, as amended by Act No. 24,379.

3. The Ombudsman has the power to investigate, criticize, issue opinions and receive complaints, all of which requires the cooperation of public bodies. Likewise, the Ombudsman may exercise locus standi to bring before the courts cases of violations that fall within his or her sphere of competence, although the Ombudsman's primary role is to hold the Government to account rather than to institute legal proceedings. Indeed, the Ombudsman's Office generally seeks to avoid the costs and delays that judicial proceedings entail.

4. In the performance of his or her duties, the Ombudsman may initiate and pursue any type of inquiry, either ex officio or at the request of a citizen.

5. The Office of the Ombudsman of the Nation has an interdisciplinary team of lawyers, engineers, accountants, social workers, psychologists, biologists, ecologists and geologists who analyse the proceedings brought by the Office, either ex officio or on the basis of a complaint, and use modern information management and processing technology to propose a course of action.

6. The Office is the sole national human rights institution in Argentina that is recognized by the United Nations; it has been awarded A status, namely the highest grade possible, for its compliance with the principles relating to the status of national institutions for the promotion and protection of human rights.

Appointment of the Ombudsman

7. Under the provisions of article 86 of the Constitution, the Ombudsman may be appointed or dismissed on the basis of a two-thirds majority of votes in each of the two legislative chambers. The Ombudsman's term of office is five years; he or she may be reappointed for one additional term only.

8. The appointment of the Ombudsman is the responsibility of the Joint Standing Committee on the Office of the Ombudsman of the Congress of the Nation, established on 30 August 2016 after the legislative chambers had elected their representatives, seven from the Senate and the Chamber of Deputies respectively.

9. The Joint Standing Committee was responsible for achieving the consensus necessary to appoint an Ombudsman — a complex task given the constitutional requirement of a qualified (two-thirds) majority in both legislative chambers.

10. In that context, on 11 October 2017, the Joint Standing Committee approved Resolution No. 005/17, establishing 26 October 2017 as the deadline for the nomination of candidates for the post of Ombudsman.

11. Subsequently, pursuant to Resolution No. 006/17 of 8 November 2017, a list of 20 registered candidates was published, from which the Joint Standing Committee drew up a

shortlist of candidates with majority support, consisting of the following persons: Jorge Sarghini, Humberto Roggero and Alejandro Amor.

12. It should be noted that an alternative shortlist was proposed by a minority in the Joint Standing Committee; the list consisted of Remo Carlotto, Liliana Negre de Alonso and María José Lubertino.

13. On 14 November 2017, the three final candidates were invited to make a statement in support of their appointment before the Joint Standing Committee.

14. The final vote will be held in the Senate in the near future, resulting in the appointment of the new Ombudsman.

Representative of the Office of the Ombudsman for Audiovisual Communication Services

15. The mandate of the Office of the Ombudsman for Audiovisual Communication Services is to promote, disseminate and defend the right to democratic communication of audiovisual media audiences throughout the national territory.

16. Its existence is underpinned by the right to freedom of expression, as reflected in the full scope of rights and responsibilities of media producers and broadcasters as well as of audiences. In this context, the Ombudsman plays the role of mediator, representing the interests and rights of audiences.

17. The Office receives and channels claims and complaints from the public so that citizens' rights as media consumers are respected. For that reason, it promotes public participation and debate and provides information on the right to communication, including on how citizens can exercise that right and file a complaint if it is not respected.

18. The task of the Office is to contribute, in keeping with its specific role, to the development of a new communications landscape based on human rights and democratic values.

19. The mandate and functions of the Office are set out in article 19 of Act No. 26,522 on Audiovisual Communication Services.

20. Article 18 of Act No. 26,522, meanwhile, establishes under the authority of the Congress of the Nation, the Joint Standing Committee for the Promotion and Monitoring of Audiovisual Communications.

21. The Joint Standing Committee is composed of eight senators and eight deputies and its functions include proposing to the National Executive candidates to head the Office of the Ombudsman for Audiovisual Communication Services.

22. On 29 November 2016, according to record No. 15, the Joint Standing Committee appointed Dr. María José Guembe, the director of the department of rights and legal affairs at the Office of the Ombudsman for Audiovisual Communication Services, as acting Ombudsman until a permanent appointment was made.

23. To this end, the Joint Standing Committee began negotiations to appoint the Ombudsman through consensus, in order to ensure the legitimacy of the process, on the understanding that it was essential to expedite the definitive appointment of the Ombudsman.

24. Notwithstanding the aforementioned issues, the Ombudsman's Office is fully operational, as reflected in its management report for the period 2012–2016. The report contains, among others, the following data:

- Submissions received: 9,396
- Persons trained: more than 72,000
- Round-table discussions held: 39, equivalent to 115 working hours
- Guides for journalists published: 8 with more than 22,900 copies distributed
- Public hearings held: 20 with 2,000 speakers and more than 4,900 participants

Paragraph 24: The Committee urges the State party to:

(a) Take all necessary steps to ensure that indigenous peoples are protected from forced evictions and ensure the full and effective implementation of Act No. 26,160;

(b) Take steps to ensure the safety of indigenous peoples who are subjected to threats, harassment and other violent acts involving public officials and/or private individuals; and to take measures to prevent and investigate such acts and to punish the perpetrators.

A. Protection of indigenous peoples from forced evictions

25. As part of the implementation of constitutional rights and its obligations under the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) that relate to land rights, the State is working on a technical, legal and cadastral survey to determine the ownership of lands traditionally occupied by indigenous communities.

26. In 2006, Act No. 26,160 on Emergency Measures relating to Possession and Ownership of Land for Indigenous Communities was passed to delineate the lands traditionally possessed by indigenous communities and to suspend the execution of evictions ordered under any court ruling or legal or administrative proceedings to that effect.

27. Owing to the social, cultural and political complexity of the territorial delineation process, the number of actors involved therein and the universe of communities to be surveyed, the application of Act No. 26,160 has been extended three times — in 2009, 2013 and 2017.

28. The most recent extension, authorized on 8 November 2017 through Act No. 27,400, extends the emergency measures applicable to lands traditionally occupied by indigenous communities and suspends evictions until 23 November 2021.

29. The territorial survey is being carried out through the National Programme for the Territorial Survey of Indigenous Communities of the National Institute of Indigenous Affairs, established pursuant to Resolution No. 587/07.

30. In 2017, progress was made with regard to the territorial survey of communities under agreements signed with the provinces of Misiones, Santiago del Estero, Salta and Jujuy. The National Institute of Indigenous Affairs also continues to provide a centralized survey service to communities on request, including in the provinces of Tucumán, Jujuy, La Pampa, Corrientes, Catamarca and Río Negro.

31. It is worth noting that in order to conclude pending territorial surveys, the National Institute of Indigenous Affairs is making progress with the introduction of new technologies to expedite the surveys and to make them more efficient, so as to reduce the time it currently takes to determine the status of lands traditionally occupied by indigenous communities. This will have a direct impact on the number of communities that will obtain a technical dossier.

32. Once the territorial survey has been completed, the authorities can then proceed to award or issue community titles for lands traditionally, currently and publicly occupied by indigenous communities. The provincial authorities will be involved in the next step of regularizing the status of and/or surrendering the lands in question.

33. To this end, the Government plans to draft a federal agreement to enforce the right of communities to possess and own land, for the purpose of addressing the fundamental issue raised in the emergency measures declared under Act No. 26,160 and its extension acts.

B. Safety of indigenous peoples

34. Regarding the protection of indigenous communities subjected to threats, violent eviction attempts and other acts that violate the rights of indigenous communities, the

National Institute of Indigenous Affairs intervenes as soon as it becomes aware of legal cases that concern the inalienable rights of indigenous communities.

35. In that regard, contact is immediately made with judges, prosecutors, police stations and persons in the legal field working on indigenous issues, and the relevant procedures are carried out to corroborate the existence of reported cases and the measures of protection taken to safeguard the human rights of the indigenous population.

36. The National Institute of Indigenous Affairs also strives to ensure the application of the legislation in force — namely Act No. 26,160 and its extension acts and regulatory decrees — as well as constitutional and treaty-based rules that protect the rights of indigenous communities. It also imparts information on the legal concept of community possession and ownership of lands in the context of treaties that the Argentine Government must respect and, where necessary, submits georeferencing maps pinpointing the geographical location of communities, provides copies of resolutions which recognize legal capacity and supplies other references about the indigenous communities involved. Lastly, the National Institute requests reports on the courses of action taken by the judiciary.

37. As part of a preventive strategy, the National Institute additionally holds guidance and training workshops on indigenous peoples' rights for members of the security forces and for judicial officials in the provinces and certain municipalities, with the aim of providing guidelines for cases brought to trial.

38. Furthermore, the National Institute funds a great many legal services for the purpose of providing legal assistance to indigenous communities, facilitating and formulating strategies to defend their communal lands and handling the legal action and defence required to give full effect to the recognition accorded by the Constitution. It has also provided funding for land measurements in order to establish evidence that may be used in a possible legal claim.

39. Legal services are currently available for the following communities:

- The Mapuche people of Los Toldos (provided by the Province of Buenos Aires Ombudsman's Office)
- The Yahavere indigenous community of the Guaraní people, at the Yahavere rural settlement in Corrientes
- The Council of Delegates of the Ocloya indigenous communities of the Province of Jujuy
- The Tilián communities of El Volcán
- The Diaguita Peoples' Union of Salta
- The Tastil people of Salta (permanent legal service)
- The Kolla communities of the Department of Los Andes
- The Tonocoté indigenous communities of Santiago del Estero
- The El Nogalito indigenous community of the Lule people of Tucumán
- The Diaguita Peoples' Union of Tucumán
- The Ragiñ Kimvn (Central) Regional Council of the Mapuche people of Neuquén
- The Pewence Regional Council of the Mapuche people of Neuquén
- The Willice Regional Council of the Mapuche people of Neuquén
- The Mapuche people of the Andean region of Río Negro
- The Santa Rosa Leleque Community of the Mapuche people of Chubut (community-strengthening programme)
- The Sakamata Liempichun indigenous reserve of Chubut
- The Mapuche people of Mendoza (third legal service)
- The Mariqueo Moreno Rosa Community of La Pampa

40. It is also worth pointing out that access to justice centres operate under the aegis of the Ministry of Justice and Human Rights. They are preventive mechanisms with federal jurisdiction, whose purpose is to deal with the social and legal issues of the whole community.

41. With branches around the country, predominantly in socially disadvantaged areas, the centres provide advice to and raise awareness among the beneficiary community thereby ensuring access to justice, delivering primary legal assistance and following up on complaints filed by members of the public.

Paragraph 26: The Committee urges the State party to:

(b) Investigate all acts of intimidation and violence against human rights defenders and their communities and ensure that perpetrators are punished appropriately. In this connection, the Committee draws the State party's attention, in particular, to the death of Massar Ba;

(c) Ensure effective access to justice and respect for fundamental rights and due process guarantees in proceedings against human rights defenders, members of indigenous communities, people of African descent and migrants, including the proceedings concerning Milagro Sala and Félix Díaz. In the case of Milagro Sala, the Committee invites the State party to implement the measures requested by the Working Group on Arbitrary Detention (A/HRC/WGAD/2016/31, para. 117).

Human rights defenders and their communities

42. The Argentine Government has pledged its commitment, as have all other State Members of the United Nations, to achieving the new global agenda for sustainable development, which contains 17 goals and 169 targets to be reached by 2030.

43. In that connection, the goal of building an inclusive society was one of the reasons why, in December 2015, the concept of cultural pluralism was embraced by the National Secretariat for Human Rights, in the belief that increasing the visibility and inclusion of the different groups that make up our country is the way to combat discrimination.

44. Indeed, the Argentine Republic is home to countless different cultures, values and traditions. In addition to the indigenous peoples whose presence predates the creation of the nation State, not to mention the migratory flows of people from other parts of the world who choose our country as their destination, people of African descent also call Argentina home.

Recognition of Afrodescendent communities

45. The United Nations General Assembly, by resolution 68/237, proclaimed the International Decade for People of African Descent (2015–2024) in recognition of the fact that people of African descent are a specific group whose rights must be promoted and protected.

46. In that connection, in August 2017, the National Executive adopted Decree No. 658/2017 to implement the International Decade for People of African Descent. The National Secretariat for Human Rights and Cultural Pluralism was assigned responsibility for coordinating activities and drafting a national programme for the International Decade.

47. Among the various activities being carried out by the National Secretariat for Human Rights and Cultural Pluralism, a discussion forum was created with civil society organizations representing persons of African descent to develop public policies for the community. The forum is also to work with the National Statistics and Census Institute on the inclusion of a single questionnaire for individuals, rather than using sampling,

concerning the recognition of African descent in the national census of 2020, with a view to obtaining statistical data on the country's Afrodescendent population.

Investigation into the death of Massar Ba

48. Regarding the death of the Senegalese leader Massar Ba, the National Secretariat for Human Rights and Cultural Pluralism has worked with the Senegalese community in the pursuit of justice in this case.

49. On 7 March 2016, Massar Ba, a leading rights defender for Senegalese residents in Argentina, was found injured in a street in Buenos Aires and taken to the Ramos Mejía Hospital, where he died of severe blood loss the following day, 8 March 2016.

50. As a result, a legal case was initiated before the National Court of Criminal Investigation No. 35, led by the Investigating Prosecutor's Office No. 7 (Case No. 15837/2016 — 88,934), filed under the name of "Soto, Elena Carla Soledad in re death in suspicious circumstances".

51. The officiating judge dismissed the proceedings against Elena Carla Soto on the basis that she could not have had any connection with Mr. Ba's death, since, after extensive investigation, the judiciary concluded that the deceased had died as a result of using narcotic drugs which left him in a state that could have caused him to jump from the balcony of a building.

52. In September 2017, that decision was revoked by the Fourth Chamber of the Federal Capital Court of Appeal for Criminal and Correctional Matters in the light of certain steps that remained outstanding and which are currently being undertaken.

53. In the context of the same case, a representative of the Argentine Association of Senegalese Residents, Moustafa Sene, filed an application to become a complainant — a request that was denied on 22 March 2016.

54. The Public Defender's Office of the Government of the Autonomous City of Buenos Aires appealed that decision on 19 April 2017, and the National Secretariat for Human Rights and Cultural Pluralism submitted an amicus curiae brief recognizing the right of the Argentine Association of Senegalese Residents to act as complainant in the case.

55. In July 2016, the Fourth Chamber of the National Court of Appeal for Criminal and Correctional Cases upheld the decision of the court of first instance and rejected the petition of the Argentine Association of Senegalese Residents to be allowed to act as complainant.

56. That decision was subsequently appealed by the Public Defender's Office of the Autonomous City of Buenos Aires and is currently being heard by the Court of Cassation for Criminal and Correctional Cases, with a decision expected soon.

57. Lastly, it should be noted that, although some members of the Senegalese community have claimed that Mr. Ba's death was somehow linked to his work defending Senegalese immigrants, nothing was found in the course of the investigation to substantiate that hypothesis.

Regarding the fundamental rights of indigenous peoples

58. All policies and activities concerning the country's indigenous peoples are inspired by the values of inclusion, non-discrimination and equality, universal access to rights and the commitment to human rights, in accordance with the national legislation in force and the obligations under international instruments.

59. In 2016, this acquired particular importance when responsibility for the National Institute of Indigenous Affairs, the government agency tasked with designing and implementing indigenous policy, was transferred from the Ministry of Social Development to the National Secretariat for Human Rights and Cultural Pluralism. What at first glance might seem simply to be a change in government structure represents a change of approach in matters concerning indigenous peoples, since it involves moving away from assistance-based views and policies in favour of strengthening indigenous communities as subjects of rights.

60. The National Institute of Indigenous Affairs has three main areas of work. First, it deals with issues associated with land, such as carrying out land surveys, resolving land disputes and providing legal assistance in those cases, and registering indigenous communities. Second, it focuses on: the assertion of rights, including all the regulatory and administrative aspects of indigenous participation and representation in the various spaces created for that purpose; the implementation of prior consultation; and the restitution of archaeological remains to communities. Third, it ensures coordination with other ministries and State agencies to seek to advance sustainable development and to promote the culture of the country's indigenous peoples, in order to raise awareness of the ancestral knowledge and traditional values that enrich society as a whole.

61. Moreover, the Indigenous Peoples' Advisory and Participatory Council was created in early 2016 and is formed of leaders of indigenous communities from the most disadvantaged areas of the country, thus demonstrating that Argentina is treading the path towards restoring the rights and taking account of the needs of indigenous peoples.

Situation of Félix Díaz

62. It should be pointed out that the president of the above-mentioned Indigenous Peoples' Advisory and Participatory Council is Félix Díaz. The objective of the Council is to promote respect for the rights under the Constitution (art. 75 (17)), the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and other national and international legal instruments ratified by the Argentine Republic in relation to the rights of indigenous peoples.

63. In addition to his role as Council president, Mr. Díaz regularly acts as an interlocutor between the State and indigenous communities in order to advance public policies and actions that guarantee indigenous peoples' access to rights and promote equal opportunities for indigenous persons.

64. Along with representatives of other indigenous peoples, Mr. Díaz also participates in the Indigenous Peoples' Interministerial Board, which conducts missions around the country to highlight the needs of communities in provinces and areas in which the most vulnerable indigenous populations live. The Board brings together different entities and public officials and meets every second and fourth Monday of the month.

65. Lastly, it should be noted that the technical dossier containing the technical, legal and cadastral survey of the Potae Napocna Navogoh (La Primavera) community, whose leader is Mr. Díaz, was submitted in 2017 and recognizes the current, traditional and public occupation of the Province of Formosa.

66. It should be recalled that the legal proceedings involving Félix Díaz were launched in the Province of Formosa as a result of the court-ordered eviction, executed by the provincial police on 23 November 2010 on Highway 86, during which two persons died: a member of the community and a police officer. In view of that fact, there were various legal factors in play, as borne out by the records of the cases under way.

67. Regarding Mr. Díaz in particular, two criminal cases are currently before the provincial courts:

(i) Criminal case No. 742/2011, under consideration in the Clorinda Criminal and Correctional Court No. 2. The Formosa courts indicted Félix Díaz and other members of his community for the offences of resisting arrest and injuring a police officer. Mr. Díaz was also charged with the theft of firearms. In March 2015, the judge issued a decision dismissing the charges against Félix Díaz, Miguel Quisinaquay, Clemente Sanagachi and Eugenio Fernández for the offences of resisting arrest and causing minor injuries, owing to the expiration of the statute of limitations. In June 2015, the prosecutor applied to have the case against Félix Díaz for theft of firearms brought to trial. Mr. Díaz's defence counsel objected to a trial and submitted a motion for a non-suit.

(ii) Criminal case No. 672/2011, under consideration in the Clorinda Criminal and Correctional Court No. 2. Proceedings were launched following a complaint by Cecilio Celías, who stated that a group of indigenous persons from the La Primavera

community had allegedly gained unauthorized entry to a field earmarked for the construction of housing. Several persons were initially under investigation — Félix Díaz among them — for the offence of unlawful encroachment.

68. The prosecutor applied to have the case brought to trial, on the basis that the preliminary investigation was complete, and Mr. Díaz's defence counsel sought to annul the summons.

69. In May 2017, the court contacted Mr. Díaz to find out whether he would submit to a summary procedure or other measures in alternative to an oral hearing. Mr. Díaz rejected the procedures suggested and wished to defend his rights in an oral hearing.

70. It was against this backdrop that a request was made for the involvement of the National Institute of Indigenous Affairs and the National Secretariat for Human Rights and Cultural Pluralism.

71. The State, through the National Institute of Indigenous Affairs, submitted a letter to the court affirming the importance of guaranteeing access to justice for members of indigenous communities, with the aim of ensuring respect for their cultural norms and enabling the defence of the specific rights recognized to indigenous communities and their members. It also expressed an interest in ensuring that material or judicial measures were tailored to ensure respect for interculturality, given that the accused, Mr. Díaz, is a member of an indigenous community and that the conflict in the case at hand was closely related to the defence of indigenous communal lands.

The Milagro Sala case and the Working Group on Arbitrary Detention

72. On 17 February 2016, the Argentine Government received a communication from the United Nations Working Group on Arbitrary Detention in relation to the detention of Milagro Amalia Ángela Sala and the alleged arbitrary deprivation of her liberty. The Working Group therefore requested information regarding the factual and legal grounds for Ms. Sala's arrest.

73. In reply, the Government provided details of the status of the legal proceedings before the judicial authorities in the Province of Jujuy, which ordered the pretrial detention of Ms. Sala. As regards the case relating to the offences of abetment and of sedition, an arrest warrant was issued on 16 January 2016 and Ms. Sala regained her liberty several days later, on 28 January. In the proceedings relating to the offences of unlawful association, defrauding the State and extortion, the provincial judicial authorities ordered her arrest on 26 January 2016 and, later, pretrial detention through a judicial order dated 28 April 2016.

74. The State submitted legal documentation justifying Ms. Sala's detention on the grounds of possible flight and obstruction of the judicial investigation if she were released. It also highlighted the fact that the issue of Ms. Sala's detention during the first set of proceedings was now moot, since she had been released in that case.

75. As regards judicial review and access to remedies, Ms. Sala has had opportunity to mount her defence with all the guarantees of due process, been able to appeal decisions that she considers to have been to her detriment — a recourse currently being used by her defence — and obtained rulings in a timely manner from the domestic courts in which the grievances expressed in her various submissions have been analysed.

76. In addition, according to information sent by the provincial authorities to the Supreme Court of Justice, Ms. Sala received more than 3,300 visits in 2016 and 600 individual visits as at 15 March 2017. During the same period, she also received psychological assistance on 125 occasions and met with her 11 lawyers on more than 200 occasions.

77. The Working Group on Arbitrary Detention issued its Opinion No. 31/2016, in which it found the detention of Ms. Sala to be arbitrary and, as a result, requested the Argentine Government to release her immediately and to afford her appropriate reparation. The Opinion was brought to the attention of the Argentine Government on 27 October 2016 by the Permanent Mission of the Argentine Republic to the United Nations.

78. The first step subsequently taken by the National Executive was to immediately communicate Opinion No. 31/2016 to the authorities of the Province of Jujuy. It requested that the Opinion of the Working Group on Arbitrary Detention should be made known to the courts that had ordered the arrest and pretrial detention of Ms. Sala, in line with the division of powers and responsibilities enshrined in the Constitution, which establishes the federal structure of government and the republican principle of the separation of powers.

79. The Governor of the Province of Jujuy issued Decree No. 2467/16 instructing the State Prosecution Service, which acts as complainant in cases involving instances of corruption such as those described in Opinion No. 31/2016 of the Working Group on Arbitrary Detention, to bring the Opinion to the attention of the judges, courts and prosecutors involved, thus ensuring that the judicial authorities would take it into account during the aforementioned legal proceedings.

80. The members of the Working Group on Arbitrary Detention were also invited to visit the institutions of the Province of Jujuy; the visit took place between 11 and 13 May 2017.

81. On 31 August 2017, Ms. Sala was transferred under house arrest to a property she owned, where she remained until 13 October 2017, when the officiating judge vacated his previous decision and ordered Ms. Sala's return to the Province of Jujuy prison service. Said decision was based on failures to safeguard the health and physical integrity of Ms. Sala, owing to her own unwillingness, obstruction of and virtually systematic refusal to follow the medical and psychiatric recommendations of members of the judiciary's medical department, in particular by refusing to attend medical and psychological consultations or to undergo various medical tests.

82. The Working Group on Arbitrary Detention was duly notified of the procedural situation of Ms. Sala and informed of the various legal proceedings under way, involving both the provincial and federal courts, in which Ms. Sala is accused of having committed a number of offences.

83. In addition to the case before the Working Group on Arbitrary Detention, the Inter-American Court of Human Rights informed the Argentine Government, on 3 November 2017, that the Inter-American Commission on Human Rights had asked it to adopt provisional measures in relation to Ms. Sala.

84. In its reply, the Government provided a detailed account of the status of the case, with particular reference to Ms. Sala's state of health and the conditions of her current detention, as well as information on medical and psychiatric assessments.

85. Nevertheless, on 23 November 2017, the Inter-American Court of Human Rights ordered the adoption of necessary and effective measures of protection to safeguard the life, personal integrity and health of Ms. Sala, among other measures by placing her under house arrest as an alternative to pretrial detention. This decision was immediately communicated to the authorities in the Province of Jujuy.

86. Lastly, several cases are currently under way to determine Ms. Sala's criminal responsibility. The following cases have been committed for trial:

- Case No. 2990/12: Ms. Sala is accused of the offence of attempted homicide, aggravated by payment or the promise of remuneration, in relation to an act committed on 27 October 2007. The Appellate and Supervisory Court upheld the prosecution, pretrial detention and committal for oral hearing of the accused persons, as well as the summons to appear in court.
- Case No. P-86175/15: A trial was ordered in the case against Ms. Sala, who is accused of making threats in respect of two concurrent offences that took place at Jujuy police station on 13 October 2014.
- Case No. P-129652/15: Ms. Sala and 31 others stand accused of unlawful association, defrauding the State and extortion with regard to the misappropriation of public funds earmarked for the construction of housing, potentially amounting to the embezzlement of millions of dollars in public funding. The decision to hold Ms. Sala in pretrial detention was confirmed by the High Court of the Province of Jujuy.

In turn, the judge in charge of the case ordered the commencement of the public oral hearing, a decision that was also upheld by Jujuy High Court; a court date will therefore shortly be set.

87. Two other suits were joined to the aforementioned case: Case No. P-131113/16, which involves offences that replicate those investigated in the above case, only this time in the town of Palpalá in the Province of Jujuy; and Case No. P-131072/16 concerning the improper withdrawal of 14 million Argentine pesos (around US$ 800,000) and defrauding the State by members of the "Pibes Villeros" Work Cooperative Ltd., which belongs to the Tupac Amaru organization.

88. It should be noted that the proceedings in which Ms. Sala's pretrial detention is being challenged are currently being appealed in view of the various questions raised before the Supreme Court of Justice.

89. Although the complexity and scope of judicial proceedings is beyond the context of this follow-up report, it should be mentioned that, in addition to the above-mentioned cases, another six criminal cases against Ms. Sala are at various stages of the judicial process.